

**Notice of Allowability**

Application No.

09/669,208

Examiner

Eron J Sorrell

Applicant(s)

CHANG ET AL.

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 4/26/04.
2. ☒ The allowed claim(s) is/are 1-21.
3. ☒ The drawings filed on 25 September 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

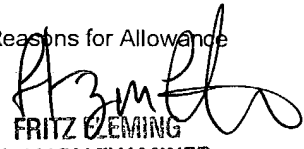
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
FRITZ FLEMING  
PRIMARY EXAMINER  
GROUP 2100

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**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1-21 are allowed.
2. The following is an examiner's statement of reasons for allowance: The amendments to independent claims 1,8,15, and 21 meet the U.S.C. 112, second paragraph threshold for clarity and precision (see MPEP 2173.02).

Applicant argues that the invention disclosed in the amended claims prevents overwrites from occurring when receiving incoming datagrams of varying lengths, however this is not the case. The claims as amended comprise a limitation that states that the pair of buffer portions of each buffer ***afford the ability to avoid*** overwriting data in the buffers with data from a subsequently received datagram (emphasis added). This distinction is important because ***the claimed invention need not necessarily prevent overwriting the data***, it only has to provide the latent capability to do so. The prior art of record, specifically Caldera, teaches avoiding the overwriting data with subsequently received data as conceded by the applicant, however the prior art of record fails to teach the ability to avoid overwriting data, with subsequently received data, in conjunction with the pair of buffer portions of each buffer of

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the pair of buffers in the switch matrix as required by the claims.

Lastly, Applicant argues there is no motivation to combine Christensen with Caldara and/or Mathur as (1) neither Mathur nor Caldera reference Christensen and (2) neither Mathur nor Caldera provide any indication that the techniques disclosed therein would benefit from the modification based on the teachings of Christensen. These are not requirements for combining references. If the applicant is aware of any case law stating that this is a requirement, it should be provided. The Examiner must show suggestion or motivation exists, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. In this case, the Examiner relied on a suggestion from Christensen as to why to make the buffers smaller than the amount of data to be received, thus sufficing the motivation or suggestion requirement for obviousness.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J Sorrell whose telephone number is 703 305-7800. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 703 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS  
May 26, 2004

  
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